



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,390	10/17/2003	Darren Saravis	70288.020800	1292

33717 7590 12/14/2004

GREENBERG TRAURIG LLP  
2450 COLORADO AVENUE, SUITE 400E  
SANTA MONICA, CA 90404

EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
----------	--------------

3637

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,390

Applicant(s)

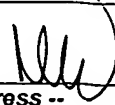
SARAVIS, DARREN

Examiner

Hanh V. Tran,

Art Unit

3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/30/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is the First Office Action on the Merits from the examiner in charge of this application.

#### ***Claim Objections***

2. Claims 1-2, 5-6, 10-114, and 16 are objected to because of the following informalities:  
(1) claim 1, line 2, "a first and a second pane;" should be either "a first panel and a second panel" or "first and second panels"; line 3, "each catch" and "each latch" should be "said catch" and "said latch", respectively; line 5-6, "each catch" and "each latch" should be "said catch" and "said latch", respectively; (2) claim 3, lines 2-3, "each catch" and "each latch" should be "said catch" and "said latch", respectively; (3) claim 6, line 2, "the other panels" should be "the other panel"; (4) claim 10, please see the above objection to claim 1 for similar instances; (5) claim 12, lines 3 and 6, "each catch with an enlarged head" should be "each latch with an enlarged head"; (6) claim 16, lines 2 and 4, there should not be any capital letter in the body of a claim.

Appropriate correction is required. Applicant is required to carefully go through the claims and amend them accordingly in order to overcome the above objections.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8, the recitation of "panels" renders the claim indefinite for

Art Unit: 3637

failing to clearly define which panel the claim is referring to. Claim 16, “each catch”, “each latch”, and “the straight connectors” lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,888,114 to Slocum et al.

Slocum et al discloses a snap together modular storage system comprising all the elements recited in the above listed claims including, such as shown in Figs 32-73, (1) a plurality of panels each with four edges, four corners, a front side and a back side; (2) alternating plastic latches and catches with “deformable” slot walls formed near the corners each extends at approximately a 45 degree angle from the front and back sides, an alignment stop formed as part of each latches, and a corner buttress, with a support edge, formed at the junction of a latch and catch on adjacent sides of a corner, a panel cover with at least one of a latch and catch supported one a front side of the panel cover, such as shown in Figs 1-16, the support edge of each adjacent corner buttresses contact each other and form a larger corner support, figs 54-75, means for attaching the panel cover to one of said panels by a slide-on mounting catch, or a snap-on mounting catch, such as shown in Figs 1-16, or a through-mount attachment guide with a fastener, such as shown in Fig 59; straight connectors, such as shown in Figs 32-73, each having at least one latch and at least one catch, each catch having a “deformable” slot walls and each

Art Unit: 3637

latch having an enlarged head, whereby the latch of the first panel is snapped into the catch of the straight connector and the latch of the straight connector is snapped into the catch of the second panel.

Further, in regard to the "whereby" clause, it has been held that the functional "whereby" statement does not define any structure and accordingly cannot serve to distinguish. *In re Mason*, 114 USPQ 127, 22 CCPA 937 (1957).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT  
December 13, 2004

  
**Hanh V. Tran**  
**Art Unit 3637**